IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2552 of 2007.

Pritam Bhalchandra Tandel ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Subhash Jha i/b Law Global Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 10.08.2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is seeking bail in C.R. No.I-87/07 registered with Boisar Police Station, Taluka Palghar, District Thane for the offence punishable under Sections 465, 467, 468, 472, 419, 420, 511 read with Section 34 of the I.P.C.

3. The allegations against the present applicant are that:-

(i) Smt. Rajlakshmi Krishnan, Manager of Dena Bank, Chowk Branch, Boisar Taluka Palghar, District Thane; lodged a complaint with Boisar Police Station on 28.6.2007, interalia, stating therein that demand draft

issued from her branch in the sum of Rs. 100/-in favour of one Shashikant More, has been forged and the draft amount has been altered to Rs. 45,00,000/-.

(ii) It is alleged that the said More was in need of housing loan in the sum of Rs. 15,00,000/-. He approached the applicant. This happened four months prior to the incident. It is further alleged that Mr More handed over him all the documents for the purposes of processing his loan application. Mr. More was in constant contact with the applicant.

(iii) On 27.6.2007 the applicant informed Mr More on phone that some bank officers are visiting Boisar on 28.6.2007 and that they are his friends. That they would be coming in Indica car, as such Mr More was advised to meet them on 28.6.2007 at about 10.00 a.m. in connection with his loan application.

(iv) The said Mr More, accompanied with his son, reached the notified place at Boisar. He introduced himself to the co-accused Shailesh, Nityanand, Arvind and Sandeep. They allegedly handed over one demand draft purported to have been issued by Dena Bank for Rs. 45,00,000/-.

(v) It is further alleged that More was asked to encash the said demand draft from Dena Bank, Chowk Branch, Boisar and that he was told to keep Rs. 30,00,000/- for himself, and he was asked to return them balance sum of Rs. 15,00,000/-. Those persons allegedly told him that they would be waiting for him in their car in the railway yard for receiving balance money.

(vi) Mr More claims to have suspected some foul game. He, thus, went to make inquiry with Dena Bank; where he claimed to have met one Smt. Rajlaxmi Krishnan, complainant the Manager of the Bank.

(vii) Smt. Rajlaxmi, Manager of the bank, made enquiries about the demand draft bearing No. 891189 issued in the name of Mr More. Upon inquiry, it revealed that demand draft, issued in the name of Mr More, was originally in the sum of Rs. 100/-and that it was converted to Rs. 45,00,000/- by making alterations thereon.

(viii) Smt. Rajlaxmi, Bank Manager, then called the police and thereupon all the accused were accosted by the police and that

they came to be arrested. During the course of search of the accused, they were found in possession of ATM cards. That is how a case came to be registered against them under the Crime No. 87 of 2007 for aforesaid offences.

4. The main accused are already in custody. The present applicant is an employee of the Maharashtra State Co-operative Bank. There are no criminal antecedents. He undertakes to co-operate with the investigating agency.

5. In the above view of the matter, I am inclined to grant bail to the applicant on following terms and conditions.

a] The applicant Pritam Bhalchandra Tandel arrested in connection with C.R.No.I-87/2007 registered with Boisar Police Station, District Thane shall be enlarged on bail subject to furnishing a bail in the sum of Rs. 50,000/-with one or two sureties in the like amount. The applicant is at liberty to deposit cash security, if he does not get surety, in the trial Court.

b] The applicant shall keep himself away from his village or town, as the

case may, be and shall not enter into the jurisdiction of the Sessions Court except for trial and shall furnish his residential address to the Investigating Officer.

c] The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address where he propose to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] He shall report to a nearest Police Station once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

e] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

f] The applicant shall co-operate with

the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

g] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

6. Application is disposed of in above terms.

(V.C. DAGA,J.)